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IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

AP/103/2024

SAMUPA REALTY PRIVATE LIMITED
VS
ARINDAM CHAKRABORTY

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 9th September, 2024

Appearance:
Mr. Sananda Ganguly, Adv.
Mr. Rohit Banerjee, Adv.
...for the petitioner

The Court:- Affidavit of service filed in Court today be kept on record.

Despite service, none appears for the respondent. The dispute pertains to a lease agreement. A perusal of the same indicates that the same does not come within the ambit of the Rent Control Act in West Bengal and as such, the dispute is otherwise arbitrable. Since the dispute pertains to the agreement and comes within the ambit of the arbitration clause thereof, and in view of the petitioner having duly issued a notice under Section 21 of the Arbitration and Conciliation Act, 1996 without any consensus regarding appointment being arrived at, there cannot be any impediment in referring the matter to arbitration.

Accordingly, AP/103/2024 is allowed, thereby appointing Mr. Shaunak Mukhopadhyay, a member of the Bar Library Club, as the sole arbitrator to resolve the disputes between the parties, subject to a declaration under Section 12 of the Arbitration and Conciliation Act, 1996 Act being obtained from the said learned Arbitrator. The learned Arbitrator shall fix his own remuneration in

consultation with the parties and within the framework of 1996 Act, in particular the Fourth Schedule thereof.

(SABYASACHI BHATTACHARYYA, J.)

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